

## **SAN RAFAEL CITY SCHOOLS**

### **RESOLUTION NO. 1729**

#### **RESOLUTION OF THE BOARD OF EDUCATION OF SAN RAFAEL CITY SCHOOLS ADOPTING AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL HIGH SCHOOL MASTER FACILITIES LONG-RANGE PLAN AND STADIUM PROJECT (PROJECT), ADOPTING ENVIRONMENTAL FINDINGS FOR THE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROJECT, ADOPTING AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE PROJECT, AND APPROVING THE PROJECT**

WHEREAS, San Rafael City Schools (the "District") proposes to construct certain improvements more commonly known as the Master Facilities Long-Range Plan and Stadium Project ("Project") on the current San Rafael High School campus, located at 150 3<sup>rd</sup> Street, in the City of San Rafael, County of Marin ("Project Site");

WHEREAS, the District is the lead agency for the Project;

WHEREAS, following a preliminary review, the District prepared a Notice of Preparation ("NOP"), which was circulated for public review between August 5, 2016, and September 6, 2016;

WHEREAS, the District directed the preparation of the Draft Environmental Impact Report ("DEIR", SCH # 2016082017) for the Project pursuant to and in accordance with the California Environmental Quality Act (California Public Resources Code Section 21000, *et seq.*) ("CEQA") and the Guidelines for Implementation of CEQA (Title 14, California Code of Regulations, Sections 15000, *et seq.*) ("CEQA Guidelines");

WHEREAS, the District caused a Notice of Availability ("NOA") & Notice of Completion ("NOC") of the DEIR to be mailed to the occupants and owners of contiguous property within 300-feet of the Project Site pursuant to Section 15087 of the California Code of Regulations, sent to local public entities, sent to the State Clearinghouse, filed and posted with the Office of the Marin County Clerk, and posted on the District's website and at locations on the Project Site and District Office;

WHEREAS, the DEIR was distributed to the State Clearinghouse for a 45-day state agency review and comment period on December 15, 2016, ending on January 30, 2017;

WHEREAS, the DEIR was made available to the public at the District Office, and the City of San Rafael Library, as well as online at the District's bond website (<http://www.srcsbondprogram.org>) for a 45-day public review and comment period on December 15, 2016, ending on January 30, 2017;

WHEREAS, the DEIR informed the public of the District's efforts in addressing the environmental effects and adopting feasible mitigation measures associated with the Project, informed the public of the District's intent to pursue the Project, and invited the public to examine the DEIR in support of such findings;

WHEREAS, written comments were received from the reviewing public agencies and the public during the 45-day state agency review period from December 15, 2016, through

January 30, 2017, and the District's responses to said written comments were provided in the Final Environmental Impact Report and made available in a manner prescribed by CEQA and the CEQA Guidelines and per agreement with the reviewing public agencies;

WHEREAS, pursuant to California Code of Regulations Sections 15089 and 15132, the District caused to be prepared the Final Environmental Impact Report, which includes the NOP, the DEIR, Appendices thereto, Staff Initiated Text Changes, Comments, Responses to Comments, and the Mitigation Monitoring and Reporting Program ("MMRP") for the Project ("FEIR", collectively, the "EIR") (attached hereto as Exhibit "A" and incorporated herein);

WHEREAS, all actions required to be taken by applicable law related to the preparation, circulation, posting, and review of the NOP, DEIR, NOA & NOC, Revised NOA, Comments, Responses to Comments, MMRP, and FEIR have been taken;

WHEREAS, the CEQA Facts, Findings, and Statement of Overriding Considerations related to the Project ("CEQA Findings") (attached hereto as Exhibit "B" and incorporated herein) identify the following impacts: the Project will not result in any significant impacts for the environmental factors of Land Use and Planning, Public Services, Greenhouse Gas Emissions, Hydrology and Water Quality, Energy, and Utilities and Service Systems, therefore no mitigation is required for these areas; potentially significant impacts will be reduced to a less than significant level with incorporation of mitigation measures for some or all of the effects in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Hazards and Hazardous Materials, Noise, Transportation/Traffic, and Recreation, and the mitigation measures for these areas are set forth in the MMRP (attached hereto as Chapter IV to Exhibit "A" and incorporated herein); and some significant impacts will be unavoidable for the environmental factors of Transportation/Traffic, and a Statement of Overriding Considerations is included in Exhibit "B";

WHEREAS, pursuant to Public Resources Code Section 21082.1 and California Code of Regulations Section 15090(a)(3), the District has independently reviewed and analyzed the information contained in the EIR, and the conclusions of the EIR reflect the independent judgment and analysis of the District; and

WHEREAS, the District's Board of Trustees has independently reviewed and analyzed the information contained in the CEQA Facts, Findings, and Statement of Overriding Considerations (Exhibit "B"), the MMRP (Exhibit "A"), and the FEIR (Exhibit "A"), including all Comments and Responses thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education at the meeting held on March 27, 2017, as follows:

#### SECTION 1:

The above recitals are true and correct.

#### SECTION 2:

The FEIR for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

### SECTION 3:

The Board of Education ("Board") hereby certifies that:

- a. The District is the lead agency for the Project.
- b. The public was provided a 30-day review and comment period for the NOP and a 45-day review and comment period for the DEIR, and the District received comments thereon and provided responses thereto, which comments and responses are included in the FEIR and have been considered by the Board.
- c. The Board, as the governing board of the lead agency, has reviewed and considered the FEIR and the information contained therein prior to deciding whether to approve the Project.
- d. The Board finds that the FEIR reflects the independent judgment and analysis of the San Rafael City Schools Board of Education.

These actions having been taken, the Board hereby approves, certifies, and adopts the FEIR for the Project (attached hereto as Exhibit "A" and incorporated herein).

### SECTION 4:

A mitigation, monitoring, and reporting program (the MMRP) has been prepared to meet the requirements of Public Resources Code Section 21081.6. The MMRP is designed to ensure compliance with project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the FEIR. The Board hereby makes, approves, and adopts the MMRP as set forth in Chapter IV to Exhibit "A" hereto (and incorporated herein).

### SECTION 5:

The Board hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, and based on the entire record on this action, that implementation of the MMRP will reduce each and every "significant impact" identified in the DEIR and FEIR for the Project as proposed and all Project Alternatives to "less than significant" – with the exception of Impacts TRANS-2, TRANS-3, TRANS-4, and TRANS-5. Said TRANS Impacts for the Project as proposed identify significant and unavoidable long-term traffic impacts. The Board hereby makes and adopts the CEQA Findings as set forth in Exhibit "B" (attached hereto and incorporated herein by reference).

### SECTION 6:

The Project as proposed and all Project Alternatives, with the exception of the No Project Alternative, will have significant, unavoidable impacts in the area of Traffic as described in detail in the FEIR and CEQA Findings. As a result, the Board must make a statement of overriding considerations pursuant to CEQA Guidelines Sections 15043 and 15093. This statement allows a lead agency to cite a Project's general economic, legal, social, technological, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. Based on the whole record, the Board finds that the Project's significant unavoidable environmental impacts are acceptable when balanced against the Project's benefits. The Board hereby makes, and adopts the Statement of Overriding Considerations as set forth in Exhibit "B" (and incorporated herein).

SECTION 7:

The Board finds that the Project Alternatives identified in the FEIR would not achieve the primary objectives of the Project and that these Project Alternatives are infeasible. Accordingly, and for reasons set forth herein, including in the FEIR (Exhibit "A") and the CEQA Findings (Exhibit "B") attached hereto, the Board hereby rejects such other Alternatives.

SECTION 8:

The FEIR is on file and available at the District Offices located at 310 Nova Albion Way, San Rafael, CA 94903 or may be downloaded from the District's bond program website at: <<http://www.srcsbondprogram.org/>>. The District is the custodian of all documents in the record.

SECTION 9:

The Board hereby authorizes the President of the Board of Education to execute this Resolution and a Notice of Determination ("NOD"), and the Secretary to attest and certify to the passage and adoption thereof and those officers and the District's Superintendent and the Superintendent's designees to execute all documents and perform all actions necessary to carry out the intent of this Resolution.

SECTION 10:

The Board directs District staff to file with the County Clerk-Recorder of the County of Marin and the State Clearinghouse the NOD pursuant to California Code of Regulations Section 15094.

SECTION 11:

The Board hereby finds that all actions required to be taken by applicable law related to the approval of the Project have been taken and hereby approves the Project as identified and evaluated in the EIR.

SECTION 12:

The Board hereby authorizes the Superintendent and his authorized designees, to take all steps necessary to proceed with, carry out and complete the Project.

This Resolution is APPROVED, PASSED, AND ADOPTED by the Board of Education of the San Rafael City Schools this 27th day of March, 2017.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
President, Board of Trustees

ATTEST:

\_\_\_\_\_  
Secretary, Board of Trustees

**EXHIBIT "A"**  
**Final Environmental Impact Report**  
(Including Mitigation, Monitoring, and Reporting Program)

**EXHIBIT "B"**  
**CEQA FINDINGS**

(Facts, Findings, and Statement of Overriding Considerations)